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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/739,082	12/15/2000	Thomas Gunn	944-001.039	3965

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EXAMINER

NGUYEN, VAN KIM T

ART UNIT PAPER NUMBER

2661

DATE MAILED: 02/04/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/739,082

Applicant(s)

GUNN ET AL.

Examiner

Van Kim T. Nguyen

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 26 August 2004.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-14 is/are pending in the application.
- 4a) Of the above claim(s) 4 is/are withdrawn from consideration.
- 5) ☒ Claim(s) 5 and 14 is/are allowed.
- 6) ☒ Claim(s) 1,7 and 11-13 is/are rejected.
- 7) ☒ Claim(s) 2,3,6 and 8-10 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- ☒ Notice of References Cited (PTO-892)
- ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____
- ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- ☐ Notice of Informal Patent Application (PTO-152)
- ☐ Other: _____

DETAILED ACTION

This Office Action is responsive to communications filed on August 26, 2004.

Claim Rejections - 35 USC § 102

The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

1. Claims 7 and 11-13 are rejected under 35 U.S.C. 102(e) as being anticipated by Schessel (US 6,304,566).

Regarding claims 7 and 11, as shown in Figures 1-6, Schessel discloses a telecommunication system (10) having equipment providing telephony connections as well as telephony-related features accessible to a plurality of telephones (18) connected as extension thereof, the equipment for connection to an PSTN (12), the system further comprising an IP relay device (13, 19, 20, 27, and 32) connected to at least one telephone of the equipment for converting at least voice and signaling between the PSTN and one or more IP devices (13, 19, 21) in communication with the IP relay device over an IP network (14), the one or more IP devices for providing a remote access signal to the IP relay device over the IP network for accessing the features of the equipment as at least one extension (col. 5: line 10 – col. 6: line 61).

Regarding claims 12-13, Schessel also discloses the accessing equipment is for accessing POTS terminal of the PSTN (col. 4: lines 29-31).

Claim Rejections - 35 USC § 103

2. Claim 1 is rejected under 35 U.S.C. 103(a) as being unpatentable over Brivet et al (EP 0 966 145A2), in view of Nixon (US 6,584,185).

As shown in Figures 1-44, Brivet discloses a communication method and system for communicating between an IP-device (16, 18) over an IP network (12) and a bridge (10) connected to non-IP PBX equipment (4, 5), which is connected to a PSTN (14), by signaling (call control signaling) from the IP device to the bridge a feature (call forwarding) of the PBX equipment (page 11: lines 31-35) and providing access to the feature of the non-IP PBX equipment by the IP device (page 3: para 0011, and page 11: lines 9-11).

However, Brivet does not explicitly call for signaling with an access code to indicate a feature of the PBX equipment, and converting the access code to a non-IP protocol for accessing the feature.

As shown in Figures 1-4, Nixon teaches PBX systems offer numerous features and typically are provided with proprietary digital telephones comprising dedicated or soft function keys (access codes) and display screens to access those features.

Thus it would have been obvious to one of ordinary skill in the art at the time the invention was made to apply Nixon's method of accessing PBXs' features using access code in Brivet's system, motivated by the desire to provide a communication system capable of supporting and properly interfacing with both IP and non-IP network.

Allowable Subject Matter

3. Claims 5 and 14 are allowed.

Claims 2-3, 6, and 8-10 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

The following is an examiner's statement of reasons for allowance: Claims are considered allowable when reading the claims none of the references of record, in light of the specification, alone or in combination disclose or suggest the combination limitations specified in the claims including preceding signaling with an access code, a remote hook flash is signaled from the IP device to the bridge.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

Response to Arguments

4. In response to applicant's argument that SOBs 18 are not extensions but rather full subscribers numbers, a recitation of the intended use of the claimed invention must result in a structural difference between the claimed invention and the prior art in order to patentably distinguish the claimed invention from the prior art. If the prior art structure is capable of performing the intended use, then it meets the claim. In a claim drawn to a process of making,

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the intended use must result in a manipulative difference as compared to the prior art. See *In re Casey*, 152 USPQ 235 (CCPA 1967) and *In re Otto*, 136 USPQ 458, 459 (CCPA 1963).

In addition, Schessel also discloses SOBs 18 may be connected to the central office 16a through POTS, PBX, or ISDN services (col. 4: lines 29-31), thus in such cases, SOBs 18 are indeed connected as the extension thereof.

Conclusion

5. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

6. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Van Kim T. Nguyen whose telephone number is 703-305-7692. The examiner can normally be reached on 8:00 AM - 4:30 PM.

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Kenneth Vanderpuye, can be reached on 571-272-3078. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

vkn



KENNETH VANDERPUYE
PRIMARY EXAMINER